

FILED

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[Signature]
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
____ DIVISION

Philip R. Heftel,
Plaintiff,

CIV 98-5106

^{VS}
S.D. department of Corrections, et al.,
Jeffrey Bloomberg, Secretary of Corrections,
Bob Dooley, Warden, Springfield State Prison
Defendant.

COMPLAINT

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes () No (X)

B. If your answer to "A" is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county)

3. Docket number _____

4. Name of Judge to whom case was assigned _____

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

6. Approximate date of filing lawsuit _____

7. Approximate date of disposition _____

(1)

II. PLACE OF PRESENT CONFINEMENT Springfield State Prison
Springfield, South Dakota

- A. Is there a prisoner grievance procedure in this institution? Yes (x) No ()
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes (x) No ()
- C. If your answer is yes,
1. What steps did you take? Filed for informal resolution
followed by a request for a formal resolution (Grievance).
 2. What was the result? It was denied. They sent me a
form in which the box stating that the issue had already
been addresses was checked off.
- D. If your answer is no, explain why not _____
- E. If there is no prison grievance procedure in the in the institution, did you complain to prison authorities? Yes () No ()
- F. If you answer is yes,
1. What steps did you take? _____
 2. What was the result? _____

III. PARTIES

In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of Plaintiff Philip R. Heftel
Address P.O. Box 369, Springfield, SD 57062

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.

B. Name of Defendant Jeffrey Bloomberg who is employed as
Secretary of Corrections at South Dakota Department of Corrections
(2)

- C. Additional Defendants South Dakota Department of Corrections, et, al.,
Bob Dooley, Warden, Springfield State Prison

IV. STATE OF CLAIM

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet(s) if necessary.

The Defendants have violated the Plaintiff's right to free exercise of Religion under the First Amendment of the U.S. Constitution by denying him kosher food as is required of him as an Orthodox Jew.

In addition, Defendants violated the Plaintiff's right to Equal Protection guaranteed in the Fourteenth Amendment by retaliating and harassing the Plaintiff because of his attempts to gain kosher meals through the Defendants own grievance procedures. Since filing the grievance, the Plaintiff has been, fired, moved, written up, threatened, and harassed.

V. RELIEF

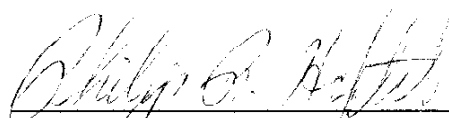
State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Order the department of Corrections to Supply kosher trays to any of the Jewish inmates in their custody that request kosher trays as is required by the First Amendment and the Defendants own policy on religious diets.

It is also requested that a temporary injunction or restraining order be issued requiring the Defendants to Supply Kosher trays until this action is resolved as in failing to do so causes irreparable harm; That the defendants shall in no way discipline or retaliate against the Plaintiff as a result of his efforts to enforce an protect his civil and constitutional rights.

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Signed and executed this 10th day of November, 19 98.


Signature of Plaintiff

(9/96)